

FUMIKO THERESA SHIBATA AND RONALD LOUIS
HERRERA

AUGUST 20 (legislative day, AUGUST 1), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1023]

The Committee on the Judiciary, to which was referred the bill (S. 1023) for the relief of Fumiko Theresa Shibata and Ronald Louis Herrera, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. Strike all after the enacting clause and insert in lieu thereof the following:

That the provisions of the immigration laws relating to the exclusion of aliens inadmissible because of race shall not hereafter apply to Fumiko Theresa Shibata, the Japanese fiancée of Sergeant Tobias A. Herrera, a citizen of the United States presently serving in the United States Armed Forces, and that the said Fumiko Theresa Shibata shall be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months; *Provided*, That the administrative authorities find that the said Fumiko Theresa Shibata is coming to the United States with a bona fide intention of being married to the said Sergeant Tobias A. Herrera, and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named parties does not occur within 3 months after the entry of the said Fumiko Theresa Shibata, she shall be required to depart from the United States, and upon failure to do so shall be deported in accordance with the provisions of sections 19 and 20 of the Immigration Act of 1917, as amended (U. S. C. title 8, sections 155 and 156). In the event that the marriage between the above-named parties shall occur within 3 months after the entry of the said Fumiko Theresa Shibata, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Fumiko Theresa Shibata as of the date of the payment by her of the required visa fee and head tax.

2. Amend the title of the bill to read "A bill for the relief of Fumiko Theresa Shibata."

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the Japanese fiancée of a United States citizen serving in the United States Armed Forces to enter the United States for the purpose of marrying her citizen fiancé and to thereafter reside in the United States.

The bill has been amended to delete the name of the minor child, who has died since the introduction of the bill.

STATEMENT OF FACTS

The beneficiary of the bill is a 25-year-old native and citizen of Japan who is engaged to Sgt. Tobias A. Herrera, who is a native-born United States citizen presently stationed at Camp Carson, Colo. He served in Japan from 1946 until July 1950 when he was sent to Korea.

A letter dated August 2, 1951, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to the case reads as follows:

AUGUST 2, 1951.

HON. PAT McCARRAN,
*Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.*

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 1023) for the relief of Fumiko Theresa Shibata and Ronald Louis Herrera, aliens.

The bill would provide that the provisions of the immigration laws relating to exclusion of aliens inadmissible because of race shall not hereafter apply to Fumiko Theresa Shibata, the Japanese fiancée of Sgt. Tobias A. Herrera, and their son, Ronald Louis Herrera, and that Miss Shibata and her son shall be eligible for visas as nonimmigrant temporary visitors for a period of 3 months, provided, the administrative authorities find that she is coming to the United States with a bona fide intention of being married to Sergeant Herrera, and that she and her son are found otherwise admissible under the immigration laws. It would also provide that in the event the marriage does not occur within the time specified they shall be required to depart from the United States, and upon failure to do so shall be deported. The bill would further direct the Attorney General, in the event such marriage does occur, to record the lawful admission for permanent residence of Miss Shibata and her son, as of the date of payment by them of the required visa fees and head taxes.

The files of the Immigration and Naturalization Service of this Department disclose that Miss Shibata, a citizen of Japan of the Japanese race, was born about 25 years ago in Japan. Sergeant Herrera, her fiancé, is presently stationed at Camp Carson, Colo., and he was born at Monte Vista, Colo., on August 1, 1927. He entered the United States Army in September 1946, and served in Japan from December 1, 1946, until July 1950, when he was sent to Korea. In October 1950, he was returned to the United States for medical reasons. Sergeant Herrera stated that he met Miss Shibata in Japan in March 1947, that they began living together as man and wife in the latter part of 1948, and that no marriage ceremony was ever performed because of the objections of the United States Army to servicemen marrying Japanese girls at that time. Their child, Ronald Louis Herrera, was born on December 14, 1950, in Japan. He further stated that if his fiancée and their son are allowed to come to this country he will receive about \$250 a month in salary and allowances after he marries her, and should he be unable to support his family, his father, who resides in Monte Vista, Colo., would help them.

According to last information, the child in this case has recently died. Since Miss Shibata is of the Japanese race she is ineligible for naturalization under section 303 of the Nationality Act of 1940 and thus inadmissible to the United States for permanent residence under the Immigration Act of 1924. In the absence of special legislation she may not be permitted to enter this country for permanent residence.

Whether under the circumstances this bill should be enacted as to Miss Shibata presents a question of legislative policy concerning which this Department prefers not to make any recommendation.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1023), as amended, should be enacted.

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